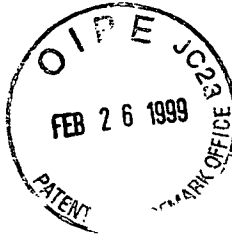


GP 2766

February 23, 1999

US Patent and Trademark Office  
Assistant Commissioner For Patents  
Washington, DC 20231



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APR 06 1999

Group 2700

Dear Assistant Commissioner:

*Hays*

On June 6, 1996, the patent counsel for the National Security Agency (my former employer more than 5 years hence) filed a patent application on my behalf as the recognized inventor entitled: Tamper Detection Device For Protecting Electronic Information. It was subsequently assigned serial number 08/685,492 and was processed by patent examiner Mr. Salvatory Cangialosi of ART Unit 222. NSA petitioned your office to issue a secrecy order against the subject patent application when it was in condition for allowance. My disagreement with the NSA decision to petition your office to withhold issuance of a patent has disrupted my relationship with the NSA patent counsel who acted on my behalf to prosecute said patent application. As such, I find myself without a patent counsel. Therefore, it appears that I have no choice but to approach you to answer questions relating to the secrecy order process and possible implications there of.

08/658,492  
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My questions are as follows:

- 1) Does the secrecy order reflect classifications such as prescribed by DOD directive by paragraph or by independent statement?
- 2) Alternatively, does the secrecy order reflect nothing more than a need to know agreement regarding some or all information contained therein?
- 3) Can I as the inventor, having full knowledge of the specifics, obtain a copy of the application that was found to be in condition for allowance and any correspondence between my NSA patent counsel and the patent examiner regarding the application.
- 4) Can I retain and thereby authorize another registered attorney to represent my interest in the truncated patent with full access privilege based upon need to know?
- 5) Is there a limitation on the period of time a secrecy order can remain effective?
- 6) Are there required review intervals for continuation of the secrecy order?
- 7) Is there an appeal process beyond petitioning NSA to reconsider its position?
- 8) Assuming the secrecy order is rescinded, is the patent then issued and made public?
- 9) If the patent is issued after being truncated by a secrecy order, what is its effective term?
- 10) Can NSA legally pursue a remedy for infringement of patent rights to the technology covered by a truncated application?
- 11) If an infringement occurs by a commercial venture while the patent is in its truncated state, does NSA have an obligation under Public Law 99-502 Sec 14 to pursue compensation and thereby protect its royalty rights and the royalty rights of the inventor?
- 12) Is there a publication that would provide additional enlightenment regarding the secrecy order?

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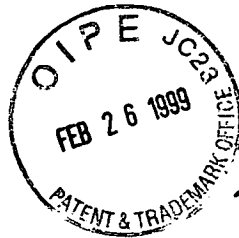
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I hope that my questions do not pose a overwhelming burden on your office. However, under the circumstances, I do not see that I have a choice. I would appreciate a 30 day response to this inquiry about the intricacies of a secrecy order. My address and telephone number are as shown below.



Sincerely:

*W. C. Weller*

W. C. Weller

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